

THIRTY-SECOND DAY

(Wednesday, March 11, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, all we like sheep have gone astray; we have turned everyone to his own way. Forgive us our wandering, and keep us from the cries of the crowd; make us wise that we may walk in Thy ways. We ask in the name of the Prince of Peace. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hudson.

Reports of Standing Committees

Senator Parkhouse submitted the following report:

Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Labor and Management Relations, to whom

was referred S. B. No. 305, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Colson submitted the following report:

Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 264, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Kazen submitted the following reports:

Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 85, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 195, have had the same under consideration and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 99, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
March 10, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 233, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 94, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

KAZEN, Chairman.

Senator Roberts submitted the following reports:

Austin, Texas,
March 10, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 281, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Vice-Chairman.

Austin, Texas,
March 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 156, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Vice-Chairman.

Austin, Texas,
March 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 276, have had the

same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Vice-Chairman.

Austin, Texas,
March 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 213, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Vice-Chairman.

Austin, Texas,
March 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 94, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Vice-Chairman.

House Bill 156 Ordered Not Printed

On motion of Senator Roberts and by unanimous consent H. B. No. 156 was ordered not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 194, An Act making it unlawful to steal any oil and gas equipment or pipeline equipment or water well drilling equipment, making such offense a felony; prescribing punishment therefor; and declaring an emergency.

H. B. No. 195, An Act amending Chapter 153 of the Acts of the Forty-fifth Legislature, as amended, relating to independent school districts; and declaring an emergency.

H. B. No. 145, An Act to adopt and

establish general statutory provisions applicable to non-profit corporations; to provide for the incorporation, regulation, admission to conduct affairs in Texas, merger, consolidation, receivership, dissolution, and liquidation of those non-profit corporations to which this Act shall apply; . . . etc.; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Parkhouse:

S. B. No. 318, A bill to be entitled "An Act, amending Section 1 of Article 3.53, Sub-chapter E of Senate Bill No. 236, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, pertaining to Credit Life Insurance and Credit Health and Accident Insurance, and defining the terms Insurer, Credit Life Insurance, Credit Health and Accident Insurance, Insurance Agent, Lender Agent, Lender, Loan and Board; and declaring an emergency."

To the Committee on Insurance.

By Senator Parkhouse:

S. B. No. 319, A bill to be entitled "An Act, amending paragraph (4) of Section 1, Article 3.50, Sub-chapter E of Senate Bill 236, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as further amended by Senate Bill 369, Chapter 247, Acts of the 54th Legislature, Regular Session, 1955, pertaining to group life insurance to allow the insurance of the amount of indebtedness of a borrower or the face amount of a loan or loan commitment made to a debtor with seasonal income for general agricultural or horticultural purposes; providing for the payment of such insurance; and declaring an emergency."

To the Committee on Insurance.

By Senator Parkhouse:

S. B. No. 320, A bill to be entitled "An Act, amending sub-section (5) of Section 1 of Senate Bill No. 16, Chapter 213, Acts of the 54th Legislature, Regular Session, 1955, to provide an exception to the Texas Agents Qualification and License Law for

Agent of Legal Reserve Life Insurance Companies authorized to do business in Texas for those selling credit life; health and accident insurance in connection with credit transactions; and declaring an emergency."

To the Committee on Insurance.

By Senator Herring:

S. B. No. 321, A bill to be entitled "An Act providing for the issuance of identification cards and devices by the Department of Public Safety to news photographers; providing that news photographers shall be allowed to cross fire and police lines upon proper display of such identification devices; providing that news photographers shall be allowed under certain circumstances to operate their automobiles in disaster areas; providing immunity from liability under certain city ordinances under proper circumstances; providing a penalty for counterfeiting of such identification devices; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 322, A bill to be entitled "An Act repealing Articles 684, 685, 686, and 687, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 323, A bill to be entitled "An Act amending Article 7150, Revised Civil Statutes 1925, by adding a new section thereto to be known and designated as Section 21 so as to exempt from taxation all property belonging to any institution of purely public charity organized for the purpose of promoting the conservation of human life in Texas through the prevention of accidents and by establishing, encouraging and carrying on worthy efforts to accomplish that objective; providing for a severability clause and declaring an emergency."

To the Committee on State Affairs.

By Senator Dies:

S. B. No. 324, A bill to be entitled "An Act to amend Section 3 of Chapter 359, Acts of the 54th Legislature, Regular Session, 1955 (codified as

Vernon's Texas Civil Statutes, Article 8280-174, Sec. 3) to prescribe the General Laws applicable to the district; providing that this Act shall prevail where in conflict with General Laws; prescribing special laws for the district relating to hearings, elections and plan of taxation; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Moffett:

S. B. No. 325, A bill to be entitled "An Act creating a Pest Control Division in the Department of Agriculture; providing for a Board, defining terms used; providing for exceptions requiring license; setting out qualifications, terms and duties of Board; providing for renewal, record and designating classes of licenses; requiring guarantees to be in writing, labeling of equipment and vehicles, and regulating the use of the terms "bonded operator," "insured operator," "bonded and insured operator," and requiring insurance; providing for the qualifications of applicants; regulating branch offices; providing for meetings of the Board and examinations; providing for license of presently engaged in such business; providing for renewal of license and exemption of licensees in military service and providing for reinstatement of lapsed licenses; providing for the suspension and revocation of licenses under certain conditions providing for notice and hearing of proceedings; providing for appeal and trial de novo; providing for injunction; providing for annual renewal and other fees; providing that all funds be deposited in the State Treasury and method of expenditure; providing for per diem, salaries and costs of operation and requiring a bond, providing the Attorney General shall approve all rules and regulations and publication thereof; providing a penalty for wrongful issue of license or examination questions; providing a penalty for the violation of the Act; repealing all laws in conflict; providing for severability and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Reagan:

S. B. No. 326, A bill to be entitled "An Act to authorize and empower

the Commissioner of the General Land Office, acting for and on behalf of the State of Texas, to execute grants of easements in, on and across all unsold Public Free School Land, and in, on and across all islands, salt water lakes, bays, inlets, marshes and reefs owned by the State within the tidewater limits, and in, on and across that portion of the Gulf of Mexico within the jurisdiction of Texas, to Nueces County Water Control and Improvement District Number 4, as may be necessary and convenient to carry out the purposes for which said District was created, for rights of way for pipe lines and for the installation of all works, facilities, plants, and appliances in any and all manners incident to, helpful and necessary for securing, storing, processing, treating, transporting, and selling an adequate supply of fresh water; providing the Attorney General shall approve all forms for the granting of such easements; providing for the payment of consideration for the granting of each easement, and the disposition of the funds so received; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 327, A bill to be entitled "An Act relating to the management, control, use, and disposition of the surface estate in certain state-owned submerged lands and islands located within tidewater limits and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas; declaring the provisions and applications of the Act to be severable; repealing laws or parts of laws in conflict; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 328, A bill to be entitled "An Act regulating the speed limit of trucks driving at speeds of fifty-five (55) miles per hour or more, with gross loads of more than twenty-five thousand (25,000) pounds, providing for penalties therefor, and the manner and means of enforcing the provisions of this Act; providing for agencies whose duty it will be to enforce the provisions of this Act; providing that the terms of the Act shall be cumulative; and declaring an emergency."

To the Committee on Transportation.

By Senator Phillips:

S. B. No. 329, A bill to be entitled "An Act repealing Sec. 4A of Chapter 255, Acts of the 42nd Legislature, 1931 (compiled as Art. 2615b of Vernon's Texas Civil Statutes), relating to the organization and establishment of a Nautical School; and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 330, A bill to be entitled "An Act to provide that it shall be lawful for any railway company or motor carrier of property for hire, at its discretion and within the scope of its operating authority, to transport, store or otherwise handle property free or at reduced rates for the State of Texas, or any agency thereof, or any county, city or town government; providing that such rates shall not be admissible in evidence in any proceeding where the reasonableness of other rates is in issue; repealing all laws and parts of laws in conflict to the extent of such conflict only; and declaring an emergency."

To the Committee on Transportation.

By Senator Crump:

S. B. No. 331, A bill to be entitled "An Act to amend Article 3264, by adding thereto Sections 1(a), 1(b), and 8(a), to amend Section 3 of Article 3266, and to amend Article 3268, as amended, Title 52, Eminent Domain, of the Revised Civil Statutes of Texas, of 1925; said Articles and Sections thereof pertaining to eminent domain proceedings; providing that this Act shall be construed as severable if parts hereof are held invalid; and declaring an emergency."

To the Committee on State Affairs.

By Senator Crump:

S. B. No. 332, A bill to be entitled "An Act to amend Article 6640, as amended, Title 115, Registration of the Revised Civil Statutes of Texas, of 1925; said Article pertaining to the filing of notice of proceedings, suit or action affecting the title of land; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 333, A bill to be entitled "An Act to amend Sections 1, 2 and

5 of Article 4619, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 148, Acts of the 40th Legislature, 1927, so as to require the joint conveyance of community real property by husband and wife and providing procedures whereby under certain conditions the husband may acquire full control, management and disposition of community real property; providing a savings clause; repealing laws and parts of laws in conflict; setting an effective date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 334, A bill to be entitled "An Act amending Section 5 of Chapter 427, Page 1138, Acts, 54th Legislature, 1955, Regular Session (codified as Section 5 of Article 3883i, Vernon's Texas Civil Statutes) so as to increase salaries of the Judge of the County Court at Law of Tarrant County, Texas, and the Judge of the County Criminal Court of Tarrant County, Texas, and the Criminal District Attorney of Tarrant County, Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Kazen:

S. B. No. 335, A bill to be entitled "An Act authorizing the Texas State Department of Health to adopt rules and regulations concerning camping or housing facilities for migrant agricultural labor; providing for issuance of permits for construction and operation of such facilities; providing penalties for violation; and declaring an emergency."

To the Committee on Public Health.

By Senator Martin:

S. B. No. 336, A bill to be entitled "An Act adding a new article to Chapter Three, Title 122, Revised Civil Statutes, 1925, to be numbered Article 7084a; providing for an alternative method of paying State franchise taxes for certain corporations with total assets of less than \$150,000; providing a table of taxes to be paid; defining 'total assets'; authorizing the Secretary of State to prescribe the form of reports and requiring submission of certain information; authorizing the Secretary of State or State Auditor to make certain examinations; authorizing the Secretary of

State to make rules and regulations; providing for penalties; providing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Gonzalez:

S. B. No. 337, A bill to be entitled "An Act amending Articles 1577 and 1578a, Penal Code of Texas, 1925, concerning employment of children; repealing Article 5181, Revised Civil Statutes of Texas, 1925, and all other laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Secrest:

S. B. No. 338, A bill to be entitled "An Act amending Article 847 of the Code of Criminal Procedure of Texas of 1925 so as to make clear that certain defects in the indictment or errors made in the trial need not necessarily be grounds for reversal; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Secrest:

S. B. No. 339, A bill to be entitled "An Act amending Chapter 4, Title 7, Article 523, of the Code of Criminal Procedure of Texas of 1925, so as to state clearly that the trial judge may set any criminal case for a pre-trial hearing for the purpose of disposing of certain preliminary matters before the case is set for trial upon its merits; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Resolution 184

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Government Class from Katy High School, Katy, Texas, accompanied by their teacher, Mr. Lammert; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the working of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and

that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

PHILLIPS

BAKER

KRUEGER

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the students and Mr. Lammert to the Members of the Senate.

Senate Concurrent Resolution 29

Senator Herring offered the following resolution:

S. C. R. No. 29, Authorizing Board of Control to extend certain walkway at southern entrance of Capitol Grounds.

Whereas, The existing pedestrian entrances on either side of the main walkway at the south entrance to the State Capitol grounds constitute a hazardous and dangerous condition; and

Whereas, A pedestrian using either of these entrances must walk in the driveway in order to gain ingress or egress to the Capitol grounds; and

Whereas, Senate Bill No. 437, Chapter 313, Acts of the 55th Legislature, Regular Session, 1957, makes it unlawful for any officer or employee of the State to make changes in or erect structures on the grounds of the State Capitol unless express approval is granted by the Legislature; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Board of Control is given authority to do whatever may be necessary to extend the paved sidewalks on either side of the main walkway at the southern entrance to the State Capitol grounds to 11th Street in order to protect pedestrians.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 185

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Fifth (5th) Grade Class of Brykerwoods School in Austin, Travis County,

Texas, accompanied by their teacher, Mrs. Elizabeth Posey; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to the class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teacher to the Members of the Senate.

Senate Resolution 186

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate F. C. Higgins of Amarillo, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate, and the privileges of the floor for the day.

The resolution was read and was adopted.

Communications Relative to Senate Resolution 134

On motion of Senator Hardeman and by unanimous consent the following communications received relative to S. R. No. 134, adopted by the Senate, were read and were ordered printed in the Journal:

March 9, 1959.

Honorable Dorsey B. Hardeman
Senate of Texas
Capitol
Austin, Texas

Dear Senator:

Thank you very much indeed for your extreme kindness in forwarding SENATE RESOLUTION NO. 134 of your august body which was intro-

duced by your estimable self. On behalf of my colleagues on the Committee and on my own behalf, Senator, I want you to know of our very deep and sincere appreciation. Our solemn purpose was to make every effort to improve the internal security laws of this great nation. That the distinguished gentlemen who comprise the Senate of Texas saw fit to endorse our efforts in such a manner provides a tremendous inner satisfaction. This active support of the leadership of our countrymen of your great State is most gratifying indeed. Permit to say once again, sir, all of us are deeply grateful.

With every assurance of my esteem,

Yours sincerely,

(Signed) Peter Campbell Brown

March 4, 1959.

Senator Dorsey B. Hardeman
Senate of Texas
State Capitol
Austin, Texas

Dear Senator Hardeman:

This will acknowledge receipt of the certified copy of Resolution No. 134 adopted by the State Senate of Texas commending the American Bar Association for the adoption of the report of its Committee on Communist Tactics, Strategy and Objectives which called for legislation to strengthen the internal security laws of the nation. With the thought that you may not have received the text of these resolutions, I am enclosing a copy herewith.

The commendation of the State Senate of Texas is deeply appreciated.

Cordially yours,

(Signed) Ross L. Malone

Senate Resolution 187

Senator Willis offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate the Honorable Charlie Lindsey of Tarrant County, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented Mr. Lindsey to the Members of the Senate.

House Bill 71 on Second Reading

Senator Baker moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 71 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood

Nays—2

Ratliff	Roberts
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Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 71, A bill to be entitled "An Act relating to the liability of the Association for compensation for occupational disease, amending Section 7 of Chapter 113, Acts of the Fiftieth Legislature, Regular Session, 1947, (codified as Section 25, Article 8306, of the Revised Civil Statutes of Texas, 1925), so as to extend the period of liability for an occupational disease caused by exposure to x-rays or radioactive substances; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 71 on Third Reading

Senator Baker moved that Senate Rule 32 and the constitutional rule

requiring bills to be read on three several days be suspended and that H. B. No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 188

Senator Crump offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 7th grade class of San Saba Grammar School, San Saba County, Texas, accompanied by their teachers, Mr. Leon Lane, Mrs. Norma Lee O'Banon and Mrs. Al Raesner; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Crump by unanimous consent presented the students and teachers to the Members of the Senate.

House Bill 70 on Second Reading

Senator Hazlewood moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 70 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 70, An Act amending Chapter 136, Acts of the Regular Session of the Fifty-fifth Legislature relating to the Hospital District covering the city of Amarillo; validating said District and the appointment of the Board of Hospital Managers; enacting other provisions related to the subject; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 70 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 70 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

House Bill 30 on Second Reading

Senator Hudson moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 30 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Martin	Willis
Moffett	Wood

Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 30, A bill to be entitled "An Act concerning the re-employment of retired teachers receiving benefits under the Teachers' Retirement System of Texas; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 30 on Third Reading

Senator Hudson moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 54 on Second Reading

Senator Reagan moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 54 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Hardeman

Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 54, A bill to be entitled "An Act creating a Court of Domestic Relations in Nueces County, providing the qualifications and compensation of the judge; providing for the jurisdiction of said court; providing for the transfer of cases to and from said court; providing for said judge and the District Judges of said County sitting for each other in cases coming within their jurisdiction; providing for the filing of said cases in said court; providing for the services of certain county and district officers for said court; providing said court being a court of record, holding court in Nueces County, having a seal and maintaining . . . ; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 54 on Third Reading

Senator Reagan moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Hardeman

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Hardeman

Absent—Excused

Weinert

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. 21, Authorizing the Board of Regents of the University of Texas to construct and equip improvements at the McDonald Observatory at Mount Locke.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 44 on Second Reading

Senator Herring moved that Senate Rules 116, 13 and 38 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 44 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Nays—1

Martin

Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 44, A bill to be entitled "An Act to amend Section 6 of Article 3.39 of Chapter 3 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of

1955, 54th Legislature, page 916, Chapter 363, Section 12) to regulate the investment of the funds of Life Insurance Companies in Building and Loan and Savings and Loan Associations; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 44 on Third Reading

Senator Herring moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Nays—1

Martin

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Herring
Baker	Hudson
Bradshaw	Kazen
Colson	Krueger
Crump	Lane
Dies	Moffett
Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff

Reagan	Smith
Roberts	Willis
Rogers	Wood
Secrest	

Nays—1

Martin

Absent—Excused

Weinert

Motion to Place House Bill 38 on Second Reading

Senator Hardeman moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 38 be taken up for consideration at this time.

The motion was lost by the following vote:

Yeas—11

Crump	Moffett
Fly	Ratliff
Hardeman	Secrest
Hazlewood	Smith
Herring	Willis
Lane	

Nays—14

Aikin	Krueger
Baker	Owen
Bradshaw	Parkhouse
Dies	Phillips
Fuller	Reagan
Gonzalez	Roberts
Hudson	Wood

Present—Not Voting

Kazen

Absent

Colson	Moore
Martin	Rogers

Absent—Excused

Weinert

Executive Session

On motion of Senator Reagan and by unanimous consent, the Senate agreed to hold an Executive Session at 11:40 o'clock a.m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and

instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be members of the State Board of Public Accountancy, for two-year terms to expire September 4, 1959: Charles A. Meroney of Dallas, Dallas County; Harry Briner of San Antonio, Bexar County; Z. Turner McGuire of Houston, Harris County; L. E. Tennison of Clifton, Bosque County; Louis A. Bartha of Midland, Midland County.

To be a member of the State Board of Public Accountancy, to fill the unexpired term of J. A. Phillips, resigned, term to expire September 4, 1958. C. A. Jake Freeze of San Angelo, Tom Green County.

To be members of the State Board of Public Accountancy: for two-year terms to expire September 4, 1960: C. A. Jake Freeze of San Angelo, Tom Green County; Edwin E. Merriman of Lubbock, Lubbock County; J. P. Jenkins of Wichita Falls, Wichita County; A. King of Doucette, Tyler County.

To be Adjutant General: Major General Kearie L. Berry of Austin, Travis County.

To be Assistant Adjutant General: Brigadier General William H. Martin of Waco, McLennan County.

To be a member of the Texas Aeronautics Commission, for a six-year term to expire September 4, 1963: Paul M. Fulks of Wolfe City, Hunt County.

To be members of the Texas Board of Architectural Examiners: for six-year terms to expire July 21, 1963: George L. Dahl of Dallas, Dallas County; Louis Page of Austin, Travis County.

To be a member of the State Board of Barber Examiners, for a six-year term to expire May 19, 1963: E. H. Cofield of Del Rio, Val Verde County.

To be a member of the State Commission for the Blind, to fill the unexpired term of Dolores Kazen, deceased, term to expire January 1,

1961: Burt L. Risley of Asherton, Dimmit County.

To be members of the State Commission for the Blind, for six-year terms to expire January 1, 1965: W. Reginald Taylor of Columbus, Colorado County; James R. Curtis of Longview, Gregg County.

To be a member of the Burial Association Rate Board, to fill the unexpired term of Dale Broussard, resigned, term to expire June 12, 1961: D. C. Luckey of Rockdale, Milam County.

To be members of the Burial Association Rate Board, for six-year terms to expire June 12, 1963: Mrs. Edra C. Pennington of San Marcos, Hays County; Robert F. James of Greenville, Hunt County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel: For a two-year term to expire January 7, 1961: Charles W. Barfield of Houston, Harris County. For two-year terms to expire February 4, 1961: J. Everett McNary of Houston, Harris County; D. O. Duncan of Houston, Harris County; M. E. Palmer of Houston, Harris County.

To be a member of the Egg Marketing Advisory Board, to fill the unexpired term of Jim E. Whitaker, deceased, term to expire September 27, 1959: Victor A. Jumper of Paris, Lamar County.

To be a member of the Egg Marketing Advisory Board, to fill the unexpired term of George H. Belk, Jr., resigned, term to expire September 27, 1961: Jack M. DuBose of Gonzales, Gonzales County.

To be members of the State Board of Chiropody Examiners, for six-year terms to expire August 11, 1963: Dr. Robert M. Park of Longview, Gregg County; Dr. Van K. Barre of Fort Worth, Tarrant County.

To be members of the State Board of Chiropractic Examiners, for six-year terms to expire August 4, 1963: Dr. T. O. Davis of Liberty, Liberty County; Dr. L. D. Lowery of San Antonio, Bexar County; Dr. G. M. Brassard of Beaumont, Jefferson.

To be members of the Texas Civil Judicial Council, for six-year terms to expire July 1, 1963: Abner V. Mc-

Call of Waco, McLennan County; John Peace of San Antonio, Bexar County; Emil C. Rassman of Midland, Midland County.

To be an ex officio member of the Texas Civil Judicial Council, to succeed Judge Reuben A. Hall, retired: Judge T. C. Chadick of Quitman, Wood County.

To be members of the Board of Directors of the Central Colorado River Authority, for six-year terms to expire January 1, 1965: R. G. Hollingsworth of Coleman, Coleman County; W. T. Stewardson of Santa Anna, Coleman County; Clyde Thate of Burkett, Coleman County.

To be a member and chairman of the State Board of Control, to fill the unexpired term of J. M. Patterson, Jr., resigned, term to expire August 31, 1961: E. E. McAdams of Austin, Travis County.

To be a member of the State Board of Control, for a six-year term to expire August 31, 1963: L. H. Flewellen, Austin, Travis County.

To be members of the Finance Commission of Texas, for six-year terms to expire February 1, 1963: R. J. Bartosh of Taylor, Williamson County; J. H. Bain of Stockdale, Wilson County.

To be a member of the Upper Guadalupe River Authority, to fill the unexpired term of S. Eastland, resigned, term to expire January 1, 1963: Darrell Lochte of Kerrville, Kerr County.

To be chairman of the State Highway Commission, for a two-year term to begin March 15, 1959; expires February 15, 1961: Herbert C. Petry, Jr., of Carrizo Springs, Dimmit County.

To be a member of the State Highway Commission, for a six-year term to begin March 15, 1959 and expire February 15, 1965: Halbert O. Woodward of Coleman, Coleman County.

To be Commissioner of Labor Statistics, to fill the unexpired term of M. B. Morgan, deceased, term to expire January 31, 1959: Mrs. M. B. Morgan of Austin, Travis County.

To be members of the Board of Directors of the Upper Neches River Municipal Water Authority, for six-

year terms to expire January 1, 1965: Eugene Fish of Palestine, Anderson County; Frank Summers of Rusk, Cherokee County; Frank W. Ebaugh of Jacksonville, Cherokee County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, to fill the unexpired term of Henderson Coquat, deceased, term to expire February 1, 1961: Harry L. Hinton of Oakville, Live Oak County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, to fill the unexpired term of Harry Brown, resigned, term to expire February 1, 1963: Blackstone Dilworth of Sandia, Jim Wells County.

To be a member of the Public Safety Commission, for a six-year term to expire December 31, 1963: C. T. McLaughlin of Snyder, Scurry County.

To be a member of the Sabine River Compact, for a two-year term to expire September 10, 1960: Henry L. Woodworth of Orange, Orange County.

To be member of the San Antonio River Authority, to fill the unexpired term of B. B. McGimsey, resigned, term to expire May 5, 1963: Leslie R. Neal of San Antonio, Bexar County.

To be a member of the San Jacinto State Park Commission, for two-year terms to expire May 23, 1959: W. N. Blanton, Sr., Houston, Harris County; Fred Hartman of Baytown, Harris County; W. T. Kendall of Houston, Harris County.

To be a member of the Board of Trustees of the Stonewall Jackson Memorial Board: Sam R. Fisher of Houston, Harris County.

To be Public Member and Chairman of the Texas Employment Commission, for a six-year term to expire November 21, 1964: S. Perry Brown of Beaumont, Jefferson County.

To be members of the Board of Regents of the University of Texas, for six-year terms to expire January 10, 1965: A. G. McNeese, Jr., of Houston, Harris County; W. W. Heath of Austin, Travis County; Wales Madden, Jr., of Amarillo, Potter County.

To be a member and chairman of

the Texas Water Development Board, for a two-year term to expire December 30, 1959: Marvin Nichols of Fort Worth, Tarrant County.

To be a member of the Texas Water Development Board, for a six-year term to expire December 30, 1963: C. Y. (Cy) Mills of Mission, Hidalgo County.

To be a member of the Texas Water Development Board, for a two-year term to expire December 30, 1959: W. E. (Buck) Tinsley of Austin, Travis County.

To be members of the Texas Water Development Board, for four-year terms to expire December 30, 1961: Marvin Shurbet of Petersburg, Floyd County; Bill Taylor of Longview, Gregg County.

In Legislative Session

The President called the Senate to

order as in Legislative Session at 11:56 o'clock a.m. today.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
March 11, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 334, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Adjournment

On motion of Senator Rogers the Senate at 11:59 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Bobby James

Senator Parkhouse offered the following resolution:

(Senate Concurrent Resolution 30)

Whereas, Funeral services were held Monday for Bobby James, one of the greatest and most popular basketball players in the history of Southern Methodist University, who died in a tragic fire which swept his Louisiana home, where he was visiting his parents, Mr. and Mrs. G. W. James;

Whereas, This outstanding youngster captivated all who knew him with his warmth, friendliness and sincerity, gaining the admiration and respect of his opponents as well as his teammates; in addition to being named to the all-Southwest Conference basketball team in his junior year, he was musically inclined and frequently entertained his friends by playing and singing folk songs;

Whereas, Bobby James will be missed by a host of friends in both Texas and Louisiana; now therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That this resolution be adopted, and when the Legislature adjourns today, it do so in honor and respect to the memory of this distinguished athlete; that a copy of this resolution be sent to his surviving parents, Mr. and Mrs. George W. James; to his two brothers, Billy and Tommy James of Ruston, Louisiana.

The resolution was read and was adopted by a rising vote of the Senate.